

under section 901 of Title 5, Government Organization and Employees. The Public Buildings Branch of the Procurement Division was transferred to the Federal Works Agency by Reorg. Plan No. I of 1939, §§301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427, set out in the Appendix, Title 5. The Federal Works Agency was abolished and its functions transferred to the Administrator of General Services by section 753 of this title.

**§ 252. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 642**

Section, act Mar. 4, 1913, ch. 147, §28, 37 Stat. 888, related to employment of technical experts in Office of Supervising Architect of Treasury Department.

**§ 253. Detail of members of field force of General Services Administration**

On and after June 23, 1913, members of the field force of the General Services Administration, such as supervising superintendents, superintendents, junior superintendents, and inspectors of the several classes, may be detailed to the District of Columbia, in the discretion of the Administrator of General Services, for temporary duty for periods not exceeding thirty days in any one case, in the General Services Administration, but no subsistence or other expenses of like character shall be allowed such employees while on duty in Washington serving under such details.

(June 23, 1913, ch. 3, 38 Stat. 17; Ex. Ord. No. 6166, §1, eff. June 10, 1933; 1939 Reorg. Plan No. I, §§301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427; June 30, 1949, ch. 288, title I, §103(a), 63 Stat. 380.)

CODIFICATION

Section is based on act June 23, 1913, popularly known as the "Sundry Civil Appropriation Act June 23, 1913, fiscal year 1914".

Section originally provided that members of the field force of the public buildings service in the Treasury Department could be detailed to the District of Columbia in the discretion of the Secretary of the Treasury, for duty in the Office of the Supervising Architect in the Treasury Department.

TRANSFER OF FUNCTIONS

Functions of office of Commissioner of Public Buildings and Public Buildings Administration transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Office of Commissioner of Public Buildings and Public Buildings Administration abolished by section 103(b) of act June 30, 1949. Public Buildings Service, within General Services Administration, established on December 11, 1949, by Administrator of General Services, to perform those transferred functions.

Public Buildings Branch of Procurement Division of Treasury Department transferred to Public Buildings Administration in Federal Works Agency by Reorg. Plan No. I of 1939.

Office of Supervising Architect in Treasury Department transferred to Public Buildings Branch of Procurement Division of Treasury Department by Ex. Ord. No. 6166.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, ch. 288, 63 Stat. 403, set out as an Effective Date note under section 471 of this title.

**§ 254. Repealed. Pub. L. 86-249, § 17(6), Sept. 9, 1959, 73 Stat. 484**

Section, act June 23, 1874, ch. 476, §2, 18 Stat. 276, related to selection of sites for public buildings. See section 601 et seq. of this title.

Act June 23, 1874, and section 17(6) of Pub. L. 86-249, Sept. 9, 1959, 73 Stat. 484, which repealed section 2 of the 1874 act, were repealed by Pub. L. 97-258, §5(b), Sept. 13, 1982, 96 Stat. 1068, 1079.

SAVINGS PROVISION

Section repealed except as to its application to any project referred to in section 613 of this title, see section 17 of Pub. L. 86-249, set out as a note under section 341 of this title.

**§ 255. Approval of title prior to Federal land purchases; payment of title expenses; application to Tennessee Valley Authority; Federal jurisdiction over acquisitions**

Unless the Attorney General gives prior written approval of the sufficiency of the title to land for the purpose for which the property is being acquired by the United States, public money may not be expended for the purchase of the land or any interest therein.

The Attorney General may delegate his responsibility under this section to other departments and agencies, subject to his general supervision and in accordance with regulations promulgated by him.

Any Federal department or agency which has been delegated the responsibility to approve land titles under this section may request the Attorney General to render his opinion as to the validity of the title to any real property or interest therein, or may request the advice or assistance of the Attorney General in connection with determinations as to the sufficiency of titles.

Except where otherwise authorized by law or provided by contract, the expenses of procuring certificates of titles or other evidences of title as the Attorney General may require may be paid out of the appropriations for the acquisition of land or out of the appropriations made for the contingencies of the acquiring department or agency.

The foregoing provisions of this section shall not be construed to affect in any manner any existing provisions of law which are applicable to the acquisition of lands or interests in land by the Tennessee Valley Authority.

Notwithstanding any other provision of law, the obtaining of exclusive jurisdiction in the United States over lands or interests therein which have been or shall hereafter be acquired by it shall not be required; but the head or other authorized officer of any department or independent establishment or agency of the Government may, in such cases and at such times as he may deem desirable, accept or secure from the State in which any lands or interests therein under his immediate jurisdiction, custody, or control are situated, consent to or cession of such jurisdiction, exclusive or partial, not theretofore obtained, over any such lands or interests as he may deem desirable and indicate acceptance of such jurisdiction on behalf of the United States by filing a notice of such acceptance with the Governor of such State or in such other

manner as may be prescribed by the laws of the State where such lands are situated. Unless and until the United States has accepted jurisdiction over lands hereafter to be acquired as aforesaid, it shall be conclusively presumed that no such jurisdiction has been accepted.

(R.S. §355; June 28, 1930, ch. 710, 46 Stat. 828; Feb. 1, 1940, ch. 18, 54 Stat. 19; Oct. 9, 1940, ch. 793, 54 Stat. 1083; Sept. 1, 1970, Pub. L. 91-393, §1, 84 Stat. 835.)

#### CODIFICATION

R.S. §355 derived from Res. Sept. 11, 1841, No. 6, 5 Stat. 468.

The first four and sixth paragraphs of this section are based on R.S. §355, as amended. The fifth paragraph of this section is based on the last paragraph of section 1 of Pub. L. 91-393. For amendment of this section by the remainder of section 1 of Pub. L. 91-393, see 1970 Amendment note below.

#### AMENDMENTS

1970—Pub. L. 91-393 substituted first four paragraphs of this section, requiring the Attorney General to give written approval of the sufficiency of title prior to the purchase of lands or interests therein, empowering the Attorney General to delegate his responsibilities, authorizing Federal departments and agencies which have been delegated the responsibility to approve land titles to request opinions, advice or assistance of the Attorney General, and permitting the payment from appropriations of the expenses of procuring certificates or other evidences of title, for the former first seven paragraphs of this section which prohibited expenditures of public money upon any site or land purchased by the United States until the Attorney General gave his written opinion in favor of the validity of title, permitted acceptance of title subject to infirmities if the Attorney General approved, authorized the Attorney General to approve title to easements or rights-of-way, and which made certain exceptions from the provisions of this section.

1940—Act Oct. 9, 1940, among other changes, divided section into paragraphs, struck out provision requiring United States attorneys, upon application of Attorney General, to furnish assistance in relation to titles, and inserted provisions contained in second, third, fourth and seventh paragraphs.

Act Feb. 1, 1940, struck out provision requiring consent of State legislature to the purchase, and inserted provisions now set out as eighth paragraph.

1930—Act June 28, 1930, inserted reference to armories, arsenals, forts, fortifications, navy yards and lighthouses, and provision that the Attorney General may base his opinion as to title upon certificate of title of a title company.

#### CROSS REFERENCES

Erection of public buildings on condemned property authorized though Attorney General has not approved title, see section 258e of this title.

Power of United States to acquire land within the States, see Const. Art. 1, §8, cl. 17.

President authorized to procure consent of State within which any land has been purchased for forts, magazines, etc., see section 103 of Title 4, Flag and Seal, Seat of Government, and the States.

Purchase contract agreements, applicability of section to, see section 356 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 356 of this title; title 7 section 2250a; title 10 sections 2852, 18239; title 16 sections 343b, 430a, 441i, 571c; title 22 section 1471; title 36 section 138b; title 38 section 115; title 42 sections 1502, 1594a, 2224, 5196; title 50 App. section 460.

### § 256. Repealed. Pub. L. 91-393, §2, Sept. 1, 1970, 84 Stat. 835

Section, acts Mar. 2, 1889, ch. 411, 25 Stat. 941; Sept. 22, 1961, Pub. L. 87-277, 75 Stat. 577, directed that all legal services connected with procurement of titles to site for public buildings shall be rendered by United States attorneys.

### § 257. Condemnation of realty for sites and other uses

In every case in which the Secretary of the Treasury or any other officer of the Government has been, or hereafter shall be, authorized to procure real estate for the erection of a public building or for other public uses, he may acquire the same for the United States by condemnation, under judicial process, whenever in his opinion it is necessary or advantageous to the Government to do so, and the Attorney General of the United States, upon every application of the Secretary of the Treasury, under this section and section 258<sup>1</sup> of this title, or such other officer, shall cause proceedings to be commenced for condemnation within thirty days from receipt of the application at the Department of Justice.

(Aug. 1, 1888, ch. 728, §1, 25 Stat. 357; June 25, 1948, ch. 646, §6, 62 Stat. 986.)

#### REFERENCES IN TEXT

Section 258 of this title, referred to in text, has been omitted from the Code.

#### AMENDMENTS

1948—Act June 25, 1948, struck out jurisdictional and venue provisions. See sections 1358 and 1403 of Title 28, Judiciary and Judicial Procedure.

#### EFFECTIVE DATE OF 1948 AMENDMENT

Section 38 of act June 25, 1948, provided that the amendment made by that act is effective Sept. 1, 1948.

#### FEDERAL RULES OF CIVIL PROCEDURE

Procedure in condemnation proceedings, see rule 71A, Title 28, Appendix, Judiciary and Judicial Procedure.

#### CROSS REFERENCES

##### Acquisition of land—

District of Columbia, see section 16-1301 et seq. of the D.C. Code.

Irrigation Project, see section 421 of Title 43, Public Lands.

River and harbor improvements, see section 591 et seq. of Title 33, Navigation and Navigable Waters.

War purposes, see section 2663 of Title 10, Armed Forces.

Jurisdiction of United States district courts in condemnation proceedings, see section 1358 of Title 28, Judiciary and Judicial Procedure.

Possession and title in advance of judgment, taking of, see sections 258a to 258f of this title.

Tennessee Valley Authority, procedure in condemnation proceedings, see section 831x of Title 16, Conservation.

Venue in condemnation proceedings, see section 1403 of Title 28, Judiciary and Judicial Procedure.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 sections 81e, 159a, 231b, 242, 263, 403i, 423k, 423n, 425a, 430a, 430k, 430u, 430nn, 433c, 433h, 447b, 449, 450m, 450p, 459a; title 25 sec-

<sup>1</sup> See References in Text note below.